

REMARKS

The present application has been reviewed in light of the Office Action mailed on July 31, 2007. Claims 1-58 are pending in the application with Claims 1, 14, 19, 27, 57 and 58 being in independent form. Claims 57 and 58 have been added. Claims 28-49, 55 and 56 have been previously withdrawn and are cancelled herein.

In the Office Action, Claims 1, 3, 4, 7, 11-14, 16, 19, 20, 23, 25, 27 and 50-54 were rejected under 35 U.S.C. § 102(e) as being anticipated by Dent et al., U.S. Patent Application Publication No. 2002/0026396 ("Dent et al."). The rejection is respectfully traversed.

Dent et al. is cited by the Examiner with respect to independent Claims 1, 14, 19 and 27. The Examiner states in the Office Action that "Dent discloses a system and method for facilitating personal electronic financial transactions, comprising: receiving authorization from a user to use a payment source corresponding to the user for effecting at least one payment, and to loan funds to the user if the payment source has insufficient funds (paragraphs 123, 124)." See page 3 of the Office Action. Applicants respectfully disagree with the Examiner's statement and assessment of the teachings of Dent et al.

Paragraphs 123 and 124 of Dent et al. do not disclose or suggest that the system and method disclosed by Dent et al. perform or include structure for performing the function of receiving authorization from a user for loaning funds to the user. Dent et al. at paragraph 124 states "In step 1806, FTM 116 determines whether the account designated in field 1802 has adequate funds to cover the transaction. If not, FTM 116 determines whether a line of credit is available or whether the FSC 102 will extend the necessary credit to cover the transaction based on the T_score 512, discussed above, step 1808. If FTM 116 is not going

to extend credit, the authorizing user (payer) is notified that the transaction cannot be completed due to insufficient funds.”

In particular, Dent et al. does not disclose or suggest “receiving authorization by a payment system from the user of the electronic auction web site to loan funds thereto for effecting the at least one payment,” as recited by Applicants’ independent Claim 1 and similarly recited by Applicants’ independent Claims 19 and 27.

Additionally, Dent et al. does not disclose or suggest similar recitations recited by Applicants’ independent Claim 14. In particular, Dent et al. does not disclose or suggest “receiving authorization from the user to use a payment source corresponding to the user for effecting the at least one payment and to loan funds to the user if the payment source has insufficient funds,” as recited by Applicants’ independent Claim 14.

Since at least one element cited by Applicants’ independent Claims 1, 14, 19 and 27 is not disclosed or suggested by the prior art reference, i.e., Dent et al., the rejection under 35 U.S.C. § 102(e) is improper. Therefore, withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of independent Claims 1, 14, 19 and 27 are respectfully requested.


Claims 3, 4, 7, 11-13, 16, 20, 23, 25 and 50-54 depend directly or indirectly from independent Claims 1, 14, 19 and 27 and therefore include the limitations of independent Claims 1, 14, 19 and 27. Therefore, for at least the reasons given above for independent Claims 1, 14, 19 and 27, dependent Claims 3, 4, 7, 11-13, 16, 20, 23, 25 and 50-54 are patentable over Dent et al. Accordingly, withdrawal of the rejection under 35 U.S.C. § 102(e) and allowance of Claims 3, 4, 7, 11-13, 16, 20-, 23, 25 and 50-54 are respectfully requested.

Claims 2, 5, 6, 8-10, 17, 18, 21, 22, 24 and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Dent et al. The rejection is respectfully traversed.

Claims 2, 5, 6, 8-10, 17, 18, 21, 22, 24 and 26 depend directly or indirectly from independent Claims 1, 14 and 19 and therefore include the limitations of independent Claims 1, 14 and 19. Therefore, for at least the reasons given above for independent Claims 1, 14 and 19, dependent Claims 2, 5, 6, 8-10, 17, 18, 21, 22, 24 and 26 are patentable over Dent et al. Accordingly, withdrawal of the rejection under 35 U.S.C. § 103(a) and allowance of Claims 2, 5, 6, 8-10, 17, 18, 21, 22, 24 and 26 are respectfully requested.

In view of the foregoing remarks, it is respectfully submitted that all claims presently pending in the application are patentable over the art of record and allowance thereof is earnestly solicited.

Respectfully submitted,


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